

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P14641WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002976	International filing date (day/month/year) 03 September 2003 (03.09.2003)	Priority date (day/month/year) 06 September 2002 (06.09.2002)
International Patent Classification (IPC) or national classification and IPC G06F 1/32		
Applicant SIEMENS AKTIENGESELLSCHAFT		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04 March 2004 (04.03.2004)	Date of completion of this report 27 October 2004 (27.10.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/002976

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____, 1,2, 4-8 _____, as originally filed
pages _____, filed with the demand
pages _____, 3, 3a _____, filed with the letter of _____ 16 September 2004 (16.09.2004)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, 1-5 _____, filed with the letter of _____ 16 September 2004 (16.09.2004)
- ☒ the drawings:
pages _____, 1/1 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 03/2976

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-A-6 018 232 (Nelson et al.), 25 January 2000
D2: US-A-2002/035702 (Chu et al.), 21 March 2002
D3: US-A-6 026 494 (Foster), 15 February 2000*.

* This is a document that illustrates the common specialized knowledge of a person skilled in the art.

2. The subject matter of independent claims 1 and 3 does not comply with the requirements of PCT Article 33(3), because it does not involve an inventive step in relation to each of the documents D1 and D2.

2.1. Document D2, which is closest to the subject matter of the current claims, discloses (see, in particular, figures 2 and 3 and related text) a method for controlling the power consumption in a computer (203), in which method a data interface for data transfer (modem 201) is connected to the computer (203) and controls the power consumption. When the modem (201) receives a data packet, it sends a signal to the computer (203) to switch on, whereupon an application for receiving faxes is executed (see paragraph 18 in combination with paragraph 25). The

data are received by the computer via the modem (201) and the computer switches automatically to the suspend mode (see paragraph 24).

The subject matter of claims 1 and 3 differs from the method and device known from D2 only in that:

- (i) the device switches periodically and automatically to a standby state, instead of switching following a signal from the modem;
- (ii) the modem signals to an application that it is available for data transfer, instead of launching an application.

Feature (i) concerns a widely known measure for polling to check the availability of a network device (see, e.g., D3, figure 3 and the related text, where a network card periodically polls to check the status of a network connection), which a person skilled in the art would use on the computer of D2 when the external modem is replaced by an internal network card.

Feature (ii) concerns a well-known alternative for implementing the reception of data (see, e.g., the system tray in Windows, the TSR in DOS, or the daemons in Unix), which a person skilled in the art would use in D2 without thereby being inventive.

A person skilled in the art, proceeding from D2 and using only his general knowledge in the art, would thereby arrive at the subject matter of claims 1 and 3, which is therefore obvious.

- 2.2. Similarly, the subject matter of claims 1 and 3 is not inventive in relation to D1. That document (see, in particular, figure 1 and related text) discloses a method for controlling power consumption in a laptop,

the computer being switched on following a message from a pager (84). When the pager (84) receives a message that data are being loaded via a modem (82), the computer exits the suspend mode. The modem (82) is likewise switched on, and signals to an application that it is available for data transfer (see column 7, lines 7 to 19). The application loads the data by means of the modem; when the data transfer is completed, the computer automatically enters the suspend mode (see column 7, lines 39 to 43).

The subject matter of claims 1 and 3 differs from the method and device known from D2 only in that:

- (i) the device switches periodically and automatically to a standby state, instead of switching following a signal from the pager;
- (ii) the modem signals to a data transfer application that it is available, instead of launching an application;
- (iii) the data are transferred *exclusively* by the pager, instead of a message being transferred by the pager and the other data being transferred by the modem, as in D1.

Features (i) and (ii) are identical to the features (i) and (ii) discussed in item 2.1 and are obvious for the same reasons. Feature (ii) concerns a conventional measure in the field of networks, which a person skilled in the art would implement according to the network profile preferred under given circumstances.

3. Dependent claims 2, 4 and 5 do not contain any features which, in combination with the features of

any claim to which they refer, meet the requirements of PCT Article 33(3) for inventive step.

The additional features of claim 2 concern conventional power-saving measures in the field of data transfers (see, e.g., D2, paragraphs 23 and 24). Claim 4 relates to the use of the obvious device of claim 3 in portable devices (e.g., mobile phones); since a person skilled in the art knows that the power consumption problems in a laptop exist to the same, if not to a greater, extent in a mobile phone, he would apply the device of claim 3, especially since the function of this device is not dependent on the miniaturization of the device. The power-consumption mode of claim 5 is widespread in the field of computers.

4. For the reasons expounded in items 2 and 3 above, claims 1 to 5 are not allowable. Nor, in view of the available prior art, would any part of the application appear to form a basis for a new, allowable claim. It is therefore only to be expected that a negative international preliminary examination report is established.